

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES HAYDEN,

Plaintiff,

-vs-

CASE NO. 1:17CV2635

2K GAMES, INC., et al.,

Defendants.

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Deposition of BERNARDINO TOVANCHE

Cleveland, Ohio

Wednesday, January 29, 2020 - 7:36 p.m.

Reported by:

Pamela S. Greenfield, RDR, CRR

Job No: 26860

1 MR. ALEXANDER: Objection.

2 Calls for speculation.

3 A. I don't remember.

4 Q. Just going forward I'm going to refer to the  
5 tattoo that was inked by Mr. Hayden on Mr. James'  
6 chest that you just spoke about as the lion  
7 tattoo?

8 A. That's fine.

9 Q. Did Mr. James bring in any reference materials  
10 that Mr. Hayden used in inking this tattoo?

11 MR. ALEXANDER: Objection.

12 Form. Vague.

13 A. He did, but I only knew about that after the  
14 fact.

15 Q. How did you find out about that?

16 A. Jim told me. But I don't remember it.

17 Q. Well, what did he tell you?

18 A. He said that he looked at an image and then drew  
19 the design freehand. I just remember him doing  
20 the drawing. I don't remember anything else  
21 about it.

22 Q. Do you remember where the image came from?

23 A. Jim said it was a card.

24 Q. Was the card from The Venetian hotel?

25 MR. ALEXANDER: Objection.

1 Foundation.

2 A. I have no idea.

3 Q. Would you recognize it if you saw it?

4 A. Probably not.

5 MS. MEANS: I'm going to mark

6 Exhibit 9 for the record.

7 - - - -

8 (Thereupon, Defendants' Exhibit 9, 5/20/08

9 Trademark Principal Register 3,429,884, was

10 marked for purposes of identification.)

11 - - - -

12 Q. So this is a trademark registration for a logo

13 for The Venetian hotel. Do you see that?

14 A. Okay. Uh-huh.

15 Q. Do you see the image above the words "The

16 Venetian"?

17 A. Yeah.

18 Q. Do you see it's a lion holding a shield?

19 A. Yes.

20 MR. ALEXANDER: Objection.

21 Mischaracterizes the document.

22 A. Yeah. He's holding something, yeah.

23 Q. It looks like he's holding something like a

24 shield, right?

25 A. Something like that, yeah.

1 Q. And he has a tail that sort of wraps around his  
2 leg, right?

3 MR. ALEXANDER: Objection.

4 Vague.

5 A. Yeah.

6 Q. And the lion also has a single wing, right?

7 MR. ALEXANDER: Objection.

8 Vague. Mischaracterizes the document.

9 A. This lion on The Venetian, yes, it does.

10 Q. And the lion's facing the viewer, right?

11 MR. ALEXANDER: Objection.

12 Vague. Mischaracterizes the document.

13 A. The lion is facing, yeah, I mean you can see his  
14 face. Is that what you're saying?

15 Q. Uh-huh.

16 A. Yes.

17 Q. And looking back at the sketch in 206, this is a  
18 lion with a single wing, right?

19 A. Yes.

20 Q. And he's holding a shield?

21 MR. ALEXANDER: Objection.

22 Vague.

23 Q. Or something like a shield?

24 A. Yeah.

25 MR. ALEXANDER: Objection.

1 Form.

2 Q. And the lion has a tail that sort of wraps around  
3 his leg, right?

4 MR. ALEXANDER: Objection.

5 Form. Mischaracterizes the document.

6 A. Yes.

7 Q. And the lion is facing the viewer?

8 MR. ALEXANDER: Objection.

9 Q. His head is turned towards the viewer?

10 MR. ALEXANDER: Objection.

11 Form. Vague. Mischaracterizes the  
12 document.

13 A. You can see his face, yes.

14 Q. Do you recognize the image in The Venetian  
15 trademark registration? Have you seen it before?

16 A. Maybe on-line.

17 Q. When would you have seen it on-line?

18 A. Oh, I don't know.

19 Q. Is this the image that Mr. Hayden used as a  
20 reference when inking the lion tattoo on  
21 Mr. James?

22 MR. ALEXANDER: Objection.

23 Form. Foundation.

24 A. I don't know. I have no idea.

25 Q. Did Mr. Hayden ever mention to you a playing card

1 Q. -- right?

2 MR. ALEXANDER: Calls for  
3 speculation. Mischaracterizes the witness'  
4 testimony.

5 A. Did Jim create that quote? Is that what you're  
6 asking me?

7 Q. Yeah.

8 A. To my knowledge he did not.

9 Q. And do you see the hands underneath the, the  
10 quote there?

11 A. Yes.

12 Q. Do you recognize that image?

13 A. Looks like, looks like the hand of God touching  
14 man.

15 Q. From Michelangelo's Sistine Chapel?

16 A. Yeah. Similar to that.

17 Q. So you, I think you testified earlier that you  
18 don't remember this tattoo being inked on  
19 Mr. Thompson, do you?

20 A. I don't remember -- yeah, I don't remember for  
21 sure if I was there for this tattoo or not.

22 Q. But the handwriting looks like Mr. Hayden's  
23 handwriting?

24 A. The handwriting looks like Jim's, yes.

25 Q. Do you know if Mr. Thompson -- strike that.